



Consumer Grievance Redressal Forum

FOR BSES YAMUNA POWER LIMITED

(Constituted under section 42 (5) of Indian Electricity Act. 2003)

Sub-Station Building BSES (YPL) Regd. Office Karkardooma,

Shahdara, Delhi-110032

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SECRETARY IN CHARGE

C A No. Applied For
Complaint No. 144/2024

In the matter of:

Sunita Koli

.....Complainant

VERSUS

BSES Yamuna Power Limited

.....Respondent

Quorum:

1. Mr. P.K. Singh, Chairman
2. Mr. Nishat Ahmed Alvi, Member (CRM)
3. Mr. P.K. Agrawal, Member (Legal)
4. Mr. S.R Khan, Member (Tech.)
5. Mr. H.S. Sohal, Member

Appearance:

1. Mr. Nishikant Ray, Counsel of the complainant
2. Mr. Deepak Pathak & Mr. Akshat Aggarwal, on behalf of respondent.

ORDER

Date of Hearing: 30th May, 2024

Date of Order: 11th June, 2024

Order Pronounced By: Mr. H.S. Sohal, Member

1. The complaint has been filed by Ms. Sunita Koli against BYPL-Pahar ganj. The brief facts of the case giving rise to this grievance are that Ms. Sunita Koli applied for new connection vide request no. 8006706692 at premises no.3949, 4th Floor, Front Left side, Gali barna, Sadar Bazar, Delhi-110006 but respondent rejected the

Attested True Copy
Signature
Secretary
CGRF (BYPL)

[Handwritten signatures and initials]

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application of the complainant the complainant for new connection due to " Fire safety clearance required and dues exists, but complainant stated that said building is old and constructed up to ground to 4th floor and building's height is below 15 mtr. She stated that there is a shop on the ground floor in which, there is a balcony supported by the ceiling to keep the goods and this shop belongs to some other person. Further she said in her complaint that C.A No- 100489593 has already been disconnected, if there is any outstanding balance or amount on it then she is ready to pay. Therefore, she requested the forum to direct the respondent for release of new connection.

2. OP in its reply briefly stated that the complainant is seeking electricity connection vide request no. 8006706692 for the premises bearing no. 3949, 4th Floor, Front Left side, Gali barna, Sadar Bazar, Delhi-110006. The application of the complainant was rejected on the fact that building height is more than 15 meters and as per law the NOC from fire clearance is required and energy dues against CA no. 100489593. Admittedly, the complainant has not placed on record the Architect letter to show that the height of the building is less than 15 meter. It is admitted fact that there is no fire clearance certificate that has been filed. Also it is a joint property having address from 3947 to 3949 and 5792 to 5194.
3. Site of the complainant was visited and it was found that at the time of inspected on 14.05.2024, the building structure is ground plus five floor over it and it's a mixed use building and the total building height measured is 16.15 meter.

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4. In response to the reply the complainant filed rejoinder submitted therein that the complainant is seeking new electricity connection vide request no. 8006706692 for the premises bearing no. 3949, 4th Floor, Front Left side, Gali Barna, Sadar Bazar, Delhi-110006. It is submitted here that the building height is less than 15 meters, so no requirement of fire clearance certificate as per the DERC Guidelines. It is submitted here that the building is constructed from ground floor, first floor, second first, fourth floor there is no mezzanine floor in the above said building.
5. The complainant filed Architect Certificate stated therein building no. 3949, fourth floor, front left side, Gali Barna Sadar Bazar, Delhi-110006 is comprised of Ground Floor, First Floor, Second Floor, Third Floor and fourth floor and the height of the building is less than 15 meter and is accordance with the building bye laws.
6. Water and electricity is integral part of right to life. Hon'ble Supreme court in the matter of Dilip (dead) LR Vs Satish, in the case no. SCC 810 dated 13.05.2022 has held that electricity is basic amenity which a person cannot be deprived off. Even on the principle of law there should be equity before law and equal protection of law in the spirit of constitution.
7. In the facts and circumstances aforesaid, we are of the view that the respondent may be directed to provide the connection with the condition that at the time of release of new connection the complainant should file an affidavit that if in future concerned authority takes any action against the her property then OP should be at liberty to disconnect the supply of the complaint is allowed.

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ORDER

Respondent is directed to release the connection applied by complainant after completion of all the commercial formalities and after giving the undertaking regarding the fact that Whenever concerned authority in future will take action, OP is free to disconnect the new electricity connection.

OP is further directed to file compliance report within 21 days from the date of this order.

The case is disposed off as above.

No order as to the cost. Both the parties should be informed accordingly.


(S.R. KHAN)
MEMBER -TECH


(P.K. SINGH)
CHAIRMAN


(P.K. AGRAWAL)
MEMBER -LEGAL


(NISHAT AHMAD ALVI)
MEMBER-CRM


(H.S. SOHAL)
MEMBER